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8 **BEFORE THE**
9 **STATE BOARD OF OPTOMETRY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. CC 2011 122

13 **KAREN ANNMARIE JACKSON**
536 Whiting Street, Suite 49
Grass Valley, CA 95945

A C C U S A T I O N

14 **Optometrist License No. 14224**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Mona Maggio (Complainant) brings this Accusation solely in her official capacity as
20 the Executive Officer of the State Board of Optometry, Department of Consumer Affairs.

21 2. On or about July 1, 2011, the State Board of Optometry issued Optometrist License
22 Number 14224 to Karen Annmarie Jackson (Respondent). The Optometrist License will expire
23 on April 30, 2014, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the State Board of Optometry (Board), Department
26 of Consumer Affairs, under the authority of the following laws. All section references are to the
27 Business and Professions Code unless otherwise indicated.

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4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

5. Code section 820 states:

Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and be received as direct evidence in proceedings conducted pursuant to Section 822.

6. Code section 822 states:

If the licensing agency determines that its licensee's ability to practice his or her profession safely is impaired because the licensee is mentally ill or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

- (a) Revoking the licentiate's certificate or license.
- (b) Suspending the licentiate's right to practice.
- (c) Placing the licentiate on probation.
- (d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

The licensing agency shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.

FACTUAL BACKGROUND

7. An investigation conducted by the Board revealed that Respondent may be mentally and/or physically ill to the extent that her ability to practice safely as a licensed optometrist is impaired. The Board investigation revealed the following concerning Respondent's conduct:

8. On December 9, 2011 at approximately 4 p.m., Grass Valley Police Department ("GVPD"), received a call regarding a female (Respondent), walking along the highway. Upon contact, Respondent requested transport to an emergency room for a voluntary mental health evaluation. Respondent was dropped off at the hospital.

9. A few minutes after being dropped off, a GVPD officer who was at the hospital was called into assist the triage nurse as Respondent was being uncooperative. Respondent pretended to be asleep and refused to respond to questions. GVPD finally convinced Respondent to allow them to return her to her home as she was uncooperative and unresponsive to medical staff attempts to provide her with services.

10. At approximately 6 p.m., GVPD was dispatched to an intersection where witnesses were reporting that a female (Respondent) was walking along the street completely naked except for a hat. Respondent was uncooperative with law enforcement, pretended to be asleep and would squeeze her eyes shut at law enforcement attempts to manually open her eyes. Medical personnel were dispatched to the scene and determined that Respondent had no medical needs and had normal vital signs. Respondent was arrested for indecent exposure. No charges were filed.

PSYCHOLOGICAL EVALUATION

11. In a report dated September 5, 2012, Dr. Eugene P. Roeder, Ph.D., based on psychological testing, document review, and interviews with Respondent, determined that Respondent was experiencing symptoms of a severe mental illness. Respondent had identified that she had been diagnosed with Psychosis around the time of the above incident and was currently taking anti-psychotic medication, which Dr. Roeder believed was controlling the symptoms of her mental illness.

12. Dr. Roeder opined that Respondent's intellectual and cognitive functioning were compromised, even on the medication, as her test results fell "well below what would be expected of someone with an advanced degree." The tests were unable to rule out that Respondent was experiencing significant ongoing difficulties as the test indicated that she was being dishonest in her answers.

13. Dr. Roeder recommended that, in addition to regular psychiatric appointments, that Respondent participate in ongoing mental health treatment for 90 to 120 days before evaluating/reevaluating whether she can practice safely.

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1 **COST RECOVERY**

2 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 **CAUSE FOR DISCIPLINE**

9 **(Impaired Ability to Safely Practice Profession Due to Mental/Physical Illness)**

10 15. Respondent is subject to disciplinary action pursuant to section 822 in that her ability
11 to safely practice her profession as an optometrist is impaired due to mental and/or physical
12 illness affecting her competency, as more fully set forth in paragraphs 10 through 12, above.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the State Board of Optometry issue a decision:

- 16 1. Revoking or suspending Optometrist License Number 14224, issued to Karen
17 Annmarie Jackson;
- 18 2. Ordering Karen Annmarie Jackson to pay the State Board of Optometry the
19 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
20 Professions Code section 125.3;
- 21 3. Taking such other and further action as deemed necessary and proper.

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23 DATED: February 12, 2013


24 MONA MAGGIO
25 Executive Officer
26 State Board of Optometry
27 Department of Consumer Affairs
28 State of California
Complainant

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